IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1812 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT - Petitioner(s)

Versus

VITTHALBHAI BHIMABHAI - Respondent(s)

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Appearance :
MR D A DESAI AGP for Petitioner(s) : 1,
MS MAMTA R VYAS for Respondent(s) : 1,
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 15/09/2005

ORAL JUDGMENT

1. In the present petition, the State Government has challenged the legality of an award dated 28th June, 2000 passed by Labour Court, Surendranagar. By the impugned award the Labour Court was pleased to set aside the

alleged termination of the workman dated 31st June 1990. It was further directed that he will be reinstated with 25% back wages.

2. Learned AGP Mr.Desai appearing for the petitioner submitted that the workman had not worked with the petitioner as contended. He submitted that though Labour Court observed that the workman had succeeded in proving that he has worked for 10 years, there is no material on record to establish this fact. He however, admitted that despite directions given by the Labour Court to produce necessary documents the same could not be produced at the relevant time. He further submitted that the extracts of the muster rolls were produced but not the original of the muster rolls. He submitted that now the petitioner is in a position to produce documents and establish the truth. Learned advocate Ms. Vyas appearing for the respondent submitted that even if the matter were to be remanded for fresh consideration, the petitioner be put to some condition.

3. Considering the submissions made, I find it appropriate to give an opportunity to the petitioner to produce all necessary documents. For the above purpose,

impugned award is set aside. Proceedings are remanded back to the Labour Court for fresh consideration after permitting both sides to produce such documents and lead such further evidence as may be found necessary. The petitioner shall pay a cost of Rs.10,000/- to the respondent. With these directions the petition is allowed to the above extent. Rule is made absolute accordingly. The Labour Court may give priority to the remanded proceedings.

(Akil Kureshi, J.)

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